End-of-mission statement by the United Nations Special Rapporteur on the rights of persons with disabilities, Mr. Gerard Quinn, on his visit to the European Union

Brussels, 31 March 2022

# Introduction

Members of the press,
Distinguished participants,

In my capacity as United Nations Special Rapporteur on the rights of persons with disabilities, I conclude today my first official visit to the European Union, which took place from 21 to 31 March 2022. I am an independent expert who reports to the United Nations Human Rights Council and the General Assembly, and advises on progress, opportunities and challenges encountered in the implementation of the rights of persons with disabilities worldwide.

I thank you for your participation to this press conference that is made accessible through International Sign interpretation and live captioning and is mainstreamed online.

I would like to begin by thanking the European Union for welcoming me to visit its institutions and assess, in a spirit of dialogue and cooperation, the level of enjoyment of the rights of persons with disabilities in the European Union, the opportunities and existing challenges. I am thankful for the transparency, openness and cooperation extended to me prior and during the visit. I would like to express my particular appreciation to the focal points within the European Commission and the European External Action Service for their support in the coordination of my visit.

I would also like to extend my deepest gratitude to all the persons with disabilities and their representative organizations with whom I met, who shared with me their situation, concerns and desires for change.

I am pleased to present to you today some of my preliminary observations and recommendations, which I will elaborate in more detail in a report to be presented at the 52nd session of the United Nations Human Rights Council in March 2023.

I wish to note that these preliminary observations neither reflect all the issues presented to me, nor all the initiatives undertaken by the European Union in the area of disability rights.

During the visit, I met with high-level representatives and services across the EU institutions, including the European Commissioners for equality, Helena Dalli and for Budget and Administration, Johannes Hahn; a number of Directorate-Generals and Services of the European Commission (several Directorates General), representatives of the European Parliament and the Council, including the Council Working Party on Human rights (COHOM). I also met with some important ancillary bodies of the EU, such as the EU High Representative for Human Rights, the EU Ombudsman, and the EU Fundamental Rights Agency.

I also met extensively with civil society organizations, organizations of persons with disabilities and networks of such organizations who have a focus on EU disability law and policy, EQUINET and philanthropies.

Overall, the clear impression I got was of a dedicated, sincere and earnest public service intent on doing the right thing to implement both the letter and the spirit of the [UN Convention on the Rights of Persons with Disabilities](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities) (CRPD).

I am deeply thankful to all who participated and who gave freely of their time, expertise and analysis.

This statement captures some of my salient impressions from this visit. It is not intended to be exhaustive, and it will be amplified in due course into a longer report which will be laid before the UN Human Rights Council in Spring 2023 and which will be publicly available.

I was minded to conduct an official visit the European Union for three reasons:

First, there are approximately 87 million European citizens with disabilities. These numbers alone point to a natural concern to ensure that the inherent potential of the Union to act as a force for good in achieving the equal enjoyment of human rights by all of its citizens with disabilities is optimized.

Secondly, the European Union – alongside its Member States – has ratified (‘confirmed’) the CRPD in 2010[[1]](#footnote-2). The Convention remains the only UN human rights treaty to be formally ratified by the EU. Hence, it is a test case of sorts, in marrying global human rights standards with the intricate powers and competencies of the Union both internally and in its foreign relations.

Thirdly, the Union does indeed possess powers or competencies of its own to act, and shares many important competencies with its Member States to act and to support their actions. It is important to get a clear picture of the current use and potential future use of these powers (such as they are) to advance the rights and obligations contained in the CRPD.

Furthermore, and unlike most regional arrangements of States, the EU can leverage significant financial and other assets to facilitate and accelerate positive change.

This naturally gives rise to a concern to ensure that as close a nexus as possible exists between the rights and obligations contained in the CRPD and the posture and actual use of the various funding streams. At a minimum, they should not be used in a way that contradicts the CRPD. At an optimal level, they should be used to generate clear EU ‘additionality[[2]](#footnote-3)’ to the efforts of its Member States and particularly to help them innovate toward new policy models.

An incidental feature of my visit was to gain an insight into the lessons that might be usefully shared with other regional organizations of States; and especially the role they might play in assisting their own Member States in the journey of change, as mandated by the CRPD. Such groupings of States are indeed and welcomingly very highly active on disability rights issues but there is, as yet, no platform for the regular sharing among them of policy perspectives and experience on supporting the implementation of the CRPD.

# Backdrop

There has been a long and mutually beneficial relationship between global disability standards and EU action dating back to the early 1980s.

At that point in time, the European Commission initiated a dedicated Unit on disability to contribute to the [UN World Decade of Action on Disability](https://www.un.org/development/desa/disabilities/united-nations-decade-of-disabled-persons-1983-1992.html#:~:text=In%20order%20to%20provide%20a,Nations%20Decade%20of%20Disabled%20Persons*.). Global disability policy in the early 1980s was trending toward a newer model based on equality. This crystallized in the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the UN General Assembly in 1993 ([resolution A/RES/48/96](https://www.un.org/disabilities/documents/gadocs/standardrules.pdf)).

Inspired by this, The EU adopted a major policy shift in 1996 and henceforth adopted the broad philosophy of equality of opportunities in the context of disability policy. This policy shift was further consolidated by underlying EU Treaty changes in 1997 enabled the Union to adopt legislative measures to combat discrimination on, *inter alia*, the ground of disability.

So, the shift to the equality framing on disability had already taken place at EU level from the mid-1990s. Partly because of this and partly because it was evident that the CRPD, which was then being drafted, would be a thematic equality Convention, the EU took an active part in the drafting process. Indeed, it was the very same equality changes in the EU treaties that enabled the Union - *qua* Union – to ratify (‘confirm’) the CRPD in 2010. More accurately, it is the powerful combination of Equality Treaty provisions with Internal Market Treaty provisions, that underpinned ratification and provided a robust legal basis for action.

Self-evidently, the equality concept is the key bridge that links the CRPD with EU law and policy. It matters therefore that the philosophy of equality operationalized within EU law and policy is aligned as closely as possible with global understandings of equality as epitomized in the CRPD, together with the authoritative pronouncements of its treaty monitoring body, the [CRPD Committee](https://www.ohchr.org/en/treaty-bodies/crpd).

The centrality of equality as the core foundational idea in the field of disability rights is underscored by the goals of the **Union of Equality**, under which the current [EU Strategy for the Rights of persons with Disabilities (2021-2030)](https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes)[[3]](#footnote-4) was adopted.

In other words, the Strategy is pegged back to, and founded on, a broad understanding of equality. Furthermore, EU Treaty provisions on equality have now been strengthened with the entry into legal force of the [EU Charter of Fundamental Rights](https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en) that also contains a robust section on equality (title III) and a strong article on non-discrimination (Article 21). And this is rounded out by the [EU Pillar of Social Rights](https://ec.europa.eu/info/strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights_en) with its associated [action plan](https://ec.europa.eu/info/strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights/european-pillar-social-rights-action-plan_en).

It should be observed in passing that the concept of equality and its associated protection against discrimination is said to be an obligation of ‘immediate effect’ under all UN human rights treaties, and not just the CRPD. Bluntly, that means that the notion of ‘progressive realization’ that applies to obligations of a more programmatic character simply does not apply in this context.

On technical matter – but an important technical matter: the CRPD is said to be a ‘mixed Convention’ owing to the fact that both its Member States and the EU itself, have ratified it. Normally this gives rise to an EU-Treaty duty of ‘sincere cooperation’[[4]](#footnote-5) by all parties. Furthermore, the Member States not only have a duty to comply with the CRPD (under international law) but also an EU treaty obligation to conform to the CRPD as a matter of EU Treaty law.

# Institutional architecture in the EU to advance the CRPD

Article 33.1 of the CRPD essentially requires a joined up government on disability matters. At national level this (ought to be) straightforward and entails one central and authoritative body with voice across the system of governance. Mapping this onto the EU is intrinsically difficult given the separation (and independence) of the main EU Institutions including the European Commission, the European Parliament and Council of the EU.

The European Commission acts as the focal point of the EU internationally. That is to say, it is the face of the EU when it reports to the CRPD Committee. But it obviously lacks authority to act as focal point for the Council and the Parliament. It is suggested that some intentional means should be found of ensuring greater coherence across all focal points in the different Institutions so that the intention of Article 33.1 (policy coherence within a system *qua* system) is optimized.

Article 33.2 of the CRPD requires a monitoring framework with one or more independent elements. At the EU level, this seems to be well constituted (European Parliament, EU Ombudsman, EU Fundamental Rights Agency and European Disability Forum) and looks promising.

The European Commission has an elaborate coordination mechanism on disability matters across its services. Each Directorate-General has already established their own disability liaison focal point. This is most welcome and critically important since, in most domains, the Commission retains the sole right to propose legislative and other initiatives. The true test of this over time is to see whether proposals in field as diverse as agriculture, banking, external action and digital Europe will incorporate relevant disability perspectives.

The Union is assisted by the [EU Fundamental Rights Agency](https://fra.europa.eu/en/about-fra) which main task is to provide evidence-based advice on human rights to Member States when implementing EU law. The work product of this Agency on disability rights is admirable and even extends to advice on how to change budgeting systems to ensure monies are diverted away from institutions toward community living. The [EU Ombudsman](https://www.ombudsman.europa.eu/en/home) can entertain complaints from citizens (and staff members) about maladministration and has developed an impressive body of work on disability matters.

[EQUINET](https://equineteurope.org/) – a network of national equality bodies – is also active on disability matters. This is important since the doctrine of ‘sincere cooperation’ requires such bodies as an aid to figuring out what is happening on the ground. EQUINET periodically clarifies core concepts like ‘reasonable accommodation’, which is a great contribution to reform. European level philanthropies also play a major role in raising capacity, especially among civil society.

The new EU Disability Strategy proposes to create a new platform (essentially a meeting place between the Member States *inter se* and with the EU with respect to the implementation of the CRPD). This could be viewed as a way of operationalizing the doctrine of ‘sincere cooperation.’ It would be useful to see it, in time, adopt thematic priorities (e.g., reform of legal capacity laws, which is widely acknowledged as a major drawback across Europe.)

Europe is fortunate indeed to have a fine filigree of institutions dedicated to the public interest to inform policy.

# Internal EU law and policy

To date only one legal instrument has been adopted in the EU to prohibit discrimination on the ground of disability and only in the field of employment: the [European Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078). A significant body of case law has emerged from the Court of Justice of the EU on the disability ground.

A long-standing proposal (by the European Commission dating back to 2008) to adopt a more horizontal Directive covering disability as a ground of discrimination in many different policy fields has not made it past the Council, which must vote unanimously for its adoption.

Certainly, the adoption of such a Directive could be seen as a major step in implementing Article 4 of the CRPD (to adopt all appropriate legislative measures and to end discrimination by all appropriate measures). I would encourage all to re-double their efforts to enact such a Directive as it would round-out the deep logic of the 2000 Directive and be visibly seen as a major way of advancing the implementation of the CRPD *via* EU law.

Outside of non-discrimination law, I was most impressed with the substantial body of legislation (and proposed legislation) on accessibility, web accessibility, the proposed Digital Services Act, the proposed Regulation of Artificial Intelligence, etc. Cumulatively, this makes the EU a natural leader of sorts in these fields. In my longer report on this visit, I will go through the various initiatives and recount how they incorporate a disability perspective.

# EU external action

The CRPD requires States Parties (and the EU is considered to be a State Party) to mainstream disability matters in all policies or programmes (Article 4.1.c). Even if there were no dedicated provision on external relations and development assistance, this provision alone would require such mainstreaming. Going beyond this generality, two specific articles of the CRPD are relevant – Article 11 on situations of risk and humanitarian emergencies and Article 32 on international cooperation, that contains a web of contemplated actions ranging from inclusive development assistance to supporting capacity building within civil society and throughout the world.

What is strikingly impressive about the new EU Disability Strategy is a whole new section on “the EU in the world (6.1). This is extremely welcome.

I was most impressed with the overall philosophy adopted by the European Union External Action Service ([EEAS](https://www.eeas.europa.eu/_en)) and by the [EU Special Representative for human rights](https://www.gilmore.ie/eu-special-representative/)on this matter.

The [EU Action Plan on Human Rights and Democracy](https://eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf) contains many references to disability including encouraging the ratification of the CRPD by third countries.I was particularly impressed to learn that EU representations around the world now have their own focal points on development and disability. The Action Plan is also attentive to international humanitarian law (a key concern for persons with disabilities) and to cooperation with multilateral and regional *fora* including Special Procedures of the Human Rights Council, such as the mandate I hold.

I was gratified to see a section in the 2020 EEAS [Annual report on human rights and democracy](https://www.eeas.europa.eu/sites/default/files/documents/eeas_annual_report_humanity_2021_web.pdf) on the rights of persons with disabilities. It would be useful if, in the future, it might also encompass some analysis of EU actions to support civil society as interlocutors around the world.

Several excellent thematic human rights guidance notes have been issued by EEAS. It is suggested that one such guidance might be developed on disability rights to further consolidate good practice and guide action.

I was assured that disability rights feature regularly in bilateral dialogues on human rights.

The EEAS is active in the UN Conference of States Parties to the CRPD as well as the ThirdCommittee of the UN General Assembly, among others. It also contributes regularly to debates on disability rights at the Human Rights Council (HRC) in Geneva. The EEAS might explore how it could step up this engagement with the UN HRC and the UN Office of the High Commissioner for Human Rights (OHCHR), which would make sense given the prominence of the CRPD as the only UN human rights treaty ratified by the EU to date.

The engagement of EEAS in regional *fora* around world is equally impressive. It is suggested it might usefully explore dedicated meetings of regional bodies to share good practices and policy perspectives on how they can help their own Member States to advance the implementation of the CRPD in their own regions, while respecting local conditions and sensibilities. It is also suggested the EU would be a natural leader in this regard and could play an important convening role in bringing regions and groupings of States together.

It would make sense for the EEAS to make its voice heard against any further move to adopt the proposed Protocol to the Oviedo Convention in the Council of Europe system. To do so would be fully in keeping with its stated intention to be active and vocal in regional *fora* on human rights and disability and would certainly bring it closer to the non-coercive model contemplated by the CRPD and indeed the World Health Organization (WHO).

I was impressed by the actions – and more importantly the operating philosophy – of the Commission’s Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) which takes responsibility for policy (and support) toward accession candidate countries as well as European neighboring States. Several technical and financial instruments at the disposal of DG NEAR (e.g., neighborhood, development and international cooperation Instrument – NDICI) have been used to support disability civil society in accession and neighboring States. I was also provided with some examples of funding to put in place community supports to enable community living for persons with disabilities.

I was equally impressed with the openness and willingness of the Commission’s Directorate-General for International Partnerships (DG INTPA) and the Directorate-General for European Civil Protection and International Humanitarian Aid Operations (DG ECHO) to factor in relevant disability perspectives into their work and in their earnestness to take the CRPD seriously. For example, DG INTPA co-funded with the OHCHR a major project resulting in a set of [Human Rights indicators on the CRPD in support of a disability inclusive 2030 Agenda for Sustainable Development](https://www.ohchr.org/en/disabilities/human-rights-indicators-convention-rights-persons-disabilities-support-disability-inclusive-2030).

# EU Funding

The EU is unusual (among regional organizations) in having at its disposal funds that can be used for a variety of purposes in the broader public interest. Principally, for our purposes, they include the [European Structural and Investment Funds](https://ec.europa.eu/info/funding-tenders/funding-opportunities/funding-programmes/overview-funding-programmes/european-structural-and-investment-funds_en) (ESIF) and in particular, the [European Regional Development Fund](https://ec.europa.eu/regional_policy/en/funding/erdf/)which primarily focuses on infrastructure, and the [European Social Fund](https://ec.europa.eu/esf/home.jsp?langId=en)+**,** which focuses on employment and social support). The overall philosophy of ESIF, as part of EU Cohesion Policy, is one of ironing out development wrinkles across the Union to ensure underdeveloped regions have an opportunity to level up.

A key overarching principle is that of EU ‘additionality’ – the idea that the Funds are not to be used to substitute for the regular fiscal responsibilities of the receiving States and that they are instead used to stimulate innovation.

The underlying Regulations for the ESIF were amended in 2012 and again in 2020. Prior to that, the Funds were used to build institutions for persons with disabilities. A public campaign was initiated to change the Regulation in 2012 to ensure that future spending would be focused on building up community-based services to enable community living.

So-called *ex ante conditionalities* were added in 2012 to the effect that monies could be spent in assisting the transition from institutions to community-based care (although the use of the word ‘care’ is now somewhat outdated). The Regulations did not, on their face, prohibit the spending of monies on institutions – nor on trans-institutionalization (moving from larger to smaller institutions). It was simply assumed that Member States would take their cue from the *ex ante* conditionalities and not do this or propose it.

It is to be recalled that article 19 of the CRPD contains a very positive philosophy of flourishing in the community. It nowhere mentions the word institution or institutionalization – precisely because it was intended to paint a picture of a more positive set of obligations and outcomes. One can certainly infer from article 19 a predilection against any form of congregated setting.

The negative side of the coin is performed by Article 5 CRPD (equality and non-discrimination). Put simply, any form of segregation is presumptively discrimination. And, as mentioned at the outset, the right to be protected against discrimination is widely understood in international law to be immediately effective.

Although the ESIF Regulations did not specifically prohibit spending on institutions (whether to improve them or otherwise) it did contain a reference to the relevant equality provision in the EU Charter (as a transversal principle) and indeed to the CRPD. The references to the EU Charter and the CRPD are even more pronounced in the newer 2020 iteration of the Regulations.

It is strongly suggested that any form of expenditure of EU taxpayer’s monies on institutions falls foul of this guarantee of equality.

Conceptionally, it appears that the relevant authorities do not believe that segregating persons with disabilities into institutions amounts to discrimination. It is unclear how this view was arrived a since it is strikingly at odds with the CRPD. Contrariwise, it was suggested that the spatial segregation of entire communities amounted to actionable discrimination – but not the segregation of persons with disabilities. Again, the foundation for this belief is unclear. It was indicated to me that there exists an inter-service consensus paper on this and associated points. If so, I would suggest the public interest clearly requires that it be out in the public domain so that its foundation and nexus with the CRPD can be fully explored.

It appears that the Legal Services of the European Commission has weighed in on the debate and also came to the conclusion that spending monies on institutions is allowable under the ESIF Regulations. Reputedly, the Legal Services are of the opinion that the jurisprudence of the CRPD is of no, or limited, legal standing. This is odd since the maintenance of rules-based international legal order must mean that some weight is due to their authoritative pronouncements lest any Member States of the UN be judge in their own case. And it seems the Legal Service takes the view that, as long as the overall trend is positive (i.e moving away from institutionalization), then Member States are allowed to spend the Funds on institutions. Implicit in this reasoning is some concept of ‘progressive realization.’ It bears repeating that the equality/non-discrimination provision in the CRPD (and indeed in the EU Charter) is not amenable to ‘progressive realization.’

I welcome a clarification from the Legal Service that it is not excluded that segregation of persons with disabilities on the basis of their disability, in the future, and as long as the issue would fall within the material scope of EU law, could as well be regarded as discrimination. However, I would suggest this should be the operational assumption especially given the weight due to the CRPD in the EU’s legal order.

To be fair, there are real human rights issues affecting the quality of life in institutions across Europe. These issues have accumulated over the years. But they are not directly or indirectly the ‘fault’ of the EU. There can be no EU ‘additionality’ in fixing human rights problems that are due to the historic and accumulated policies of the Member States. It is my respectful view, that the Funds – EU taxpayer’s monies – should be used exclusively to assist States build up a completely different model. Otherwise, ‘temporary measures’ may easily rob an entire generation of their chance to flourish as human beings in the community.

It is strongly suggested that a thorough re-examination of the situation is warranted. It is a pity that this issue – which has existed for years - continues to linger. It somewhat undercuts the extremely valuable work being done across the various services of the Union.

# Internal EU issues

Internal staff matters were ‘declared’ under the relevant Declaration of Competence lodged by the EU under Article 44 of the Convention. Furthermore, the new EU Disability Strategy aims to make the EU a model and to lead by example.

Considerable progress can be reported in this regard. I was most impressed with the earnestness of the Commission’s Human Resources and Security department (DG HR) to advance the agenda of an inclusive and diverse workplace across the Union.

One unusual feature of the process was the breadth of medical testing allowable in the hiring process. It was explained to me that a person is not hired for a specific post but for any potential post across the services and that therefore a generalized medical testing regimen was required. This struck me as unusual.

Also, it appears that medical services are also engaged when determining whether a ‘reasonable accommodation’ is needed for an employee. Again, this causes some pause for thought as many disabilities do not constitute illnesses as such. Perhaps, some more reflection is needed as to the proper admixture of a medical model with the rights-based model of disability.

The new innovation of ‘reasonable accommodation’ Committees within each service is to be greatly welcomed.

The medical character of the social benefits packages available to staff was also highlighted in meetings. For example, to get certain reimbursements a family with an autistic child must get a medical declaration (or the administrative equivalent) that the autism in question represents a long-term illness. Maybe a way could be found of allowing such reimbursements but without recourse to such administrative labelling.

As an aspect of leading by example, the Commission is making strenuous efforts to ensure its buildings and its web platforms meet universal design standards. This ongoing work is to be strongly encouraged. It has tangible benefits, e.g. for employees with visual impairments who can perform just well as others once given the needed accessibility tools.

A longstanding issue is the European Schools. These schools (open to employees of the EU) are funded in part by the EU but run autonomously and led by a board, comprised of each of the Member States (and one representative of the Commission). They had a reputation in the past for not being fully inclusive of diverse learning needs. It seems tangible progress is now being made after the adoption of an action plan in 2018 that is due to be updated. This is to be greatly welcomed and encouraged and I will remain apprised.

# Conclusions

To conclude, I wish to highlight that I was greatly hearted to see services in all main EU Institutions both knowledgeable about, and committed, to the implementation of the rights of persons with disabilities and the provisions of the CRPD.

I was especially heartened to learn about the passion, energy and enthusiasm of the services to do their bit to advance the goals of the CRPD in their respective domains.

The new EU Disability Strategy sets out a good framework for action. What struck me was how the individual services had already internalized the core messages of the EU Disability Strategy and the CRPD. So, it is not really a question of the CRPD driving change from the outside - but change is now being driven from the inside because its values have sunk deep roots. This is as it should be.

The long-standing issues connecting with funding institutions can be ameliorated with sufficient political will. The jump-spark connection that needs to be made is easy – segregation of persons with disabilities is discrimination, *simplicitor*.

I look forward to engaging with you further when the final report will be presented at the Human Rights Council next March.

Thank you for your participation.

ENDS

1. See European Council Decision 2010/48/EC, at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32010D0048&from=EN> [↑](#footnote-ref-2)
2. Additionality is one of the principles driving the workings of the European Structural and Investment Funds. This principle stipulates that contributions from the Funds must not replace public or equivalent structural expenditure by a Member State in the regions concerned by this principle. In other words, the financial allocations from the Structural and Investment Funds may not result in a reduction of national structural expenditure in those regions, but should be in addition to national public spending. See <https://ec.europa.eu/regional_policy/en/policy/what/glossary/a/additionality> [↑](#footnote-ref-3)
3. Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030. Available at: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes> [↑](#footnote-ref-4)
4. The duty of sincere cooperation laid down in Article 4(3) of the Treaty of the European Union provides that: “Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties. The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union. The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives.” See document 12012M/TXT, available at <https://eur-lex.europa.eu/eli/treaty/teu_2012/oj> [↑](#footnote-ref-5)